

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD LOOS,

Plaintiff,

Index No. 07 CV 6723 (PKL)

-against-

COMFORT INNS, INC. and CHOICE HOTELS
INTERNATIONAL, INC.,

Defendants.

FIRST REQUEST FOR
PRODUCTION AND
INSPECTION OF DOCUMENTS
BY PLAINTIFF RICHARD LOOS
TO COMFORT INNS, INC.

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PLEASE TAKE NOTICE that pursuant to Rule 34 of the Federal Rules of Civil Procedure Defendant COMFORT INNS, INC. (hereinafter, COMFORT) are required to produce for discovery, inspection and copying the documents and things in Plaintiff's possession, custody or control, described below, at the Law Offices of Eliot F. Bloom, Suffolk County Office, 184 Higbie Lane, West Islip, New York 11795, in the manner prescribed by Rule 34 of the Federal Rules of Civil Procedure:

INSTRUCTIONS

In answering each Document Request:

1. If you maintain that any document or record responsive to any Document Request has been destroyed, set forth the contents of said document, the location of any copies of said document, the date of such destruction, and the name of the person who ordered or authorized

such destruction.

2. If privilege is claimed as a ground for not responding to any Document Request, or if any Document Request is otherwise objected to, describe the legal and/or factual basis for the claim of privilege or other objections to each Document Request or part thereof in sufficient detail so as to permit the Court to adjudicate the validity of the claim or objection, and identify all documents as to which objection is made.

3. If any Document Request is not responded to in full, please state the reason for not responding, describe the steps taken to secure fully responsive information, and detail the information the Defendant has regarding Document Requests which has not been responded to in full.

4. The originals of the documents sought pursuant to this Request should be produced at the offices of Eliot F. Bloom, Esq., 184 Higbie Lane, West Islip, New York, 11795 on or before June 1, 2007 at that time and place of a set of legible photocopies of said documents, certified by a duly authorized officer, agent or representative of Defendant, or its attorneys, to be true & accurate copies of the originals, which can be retained by Eliot F. Bloom, Esq. shall be deemed to comply with this Request.

DEFINITION AND EXPLANATION NOTES

A. The term "documents", as used herein, is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil procedure 34(a), and includes the

original and all non-identical, written, typewritten, printed, or recorded matter (however produced or reproduced or stored) of every kind and description in the Defendant's actual or constructive possession, custody, care, or control, including, but not limited to, the following: notes; diaries; calendars; records of telephone conversations, including telephone bills and receipts; telephone logs; telex, telefax, or any other facsimile electronically transmitted, and any record relating thereto; time records; time sheets; billing records; records of delivery of documents by messenger, courier, parcel service, freight service, or any means other than the United States Postal service, or the receipt of same; reports; memoranda; letters; assignment sheets; agreements; contracts; accounting or financial records or worksheets; records of financial transactions; tape recordings; transcripts of tape recording, transcripts or notes of conversations or meetings; statement; resolutions; directives; cost projections or analysis; papers filed in court, and legal instruments, including, but not limited to, insurance contracts; books; articles; treatises; all copies of such materials, whether in proposed or final form; all drafts of such documents, even if not used, and all copies of such documents containing additional matters.

- B. As used herein, "you" or "your" means the Defendant and the Defendant's present and former agents, and all others acting or purporting to act on Defendant's behalf.
- C. As used herein, the term "person" shall include natural persons, and any legal entity, including, but not limited to, proprietorships, corporations, partnerships, groups, associations, organizations, and governments.
- D. "And" and "or" shall be construed conjunctively and disjunctively.

- E. The term “communication” includes any oral or written exchange of work, thoughts, ideas, or documents to another person by any means.
- F. The term “employee” includes any past and present agent, director, officer, employee, lobbyist, consultant, representative, or other person acting on behalf of a person.
- G. The term “meetings” means any formal or informal face-to-face communications or communication by telephone.
- H. “Refer” or “relate” means, in addition to the usual customary meaning, discuss or discussing, reflect or reflecting, assess or assessing, and record or recording.
- I. The term “discuss” means, in addition to its usual and customary meaning, any conversation or communication regarding a particular topic.
- J. The term “this matter” or “applicable period” means an incident that occurred on June 15, 2007 and means a period of time for one year before and to the present time.

DESCRIPTION OF DOCUMENTS TO BE PRODUCED

1. Any and all agreements, contracts and documents pertaining to the use of a third party, including Rondavel Management Corporation, for any operations or services at the Comfort Inn, located at 425 East Route 59, Nanuet, New York 10954.

2. Any and all memorandum, notes, documents, letters, statements, reports or any writings of any kind related to prior incidents, crimes, unusual incidents, accidents, assaults and any other occurrence that relates to the defendant Comfort Inns, Inc. for the premises located at 425 East Route 59, Nanuet, New York 10954, for a period of time five (5) years prior to the within incident of June 15, 2007.

3. Any and all invoices, records, statements and documents regarding the providing of services to the Plaintiff RICHARD LOOS.

4. All memorandum and correspondence between the Defendants COMFORT and any third party including other defendants and agents regarding the within matter.

5. Any documents in the possession of the Defendant that relate to the management of the Defendant COMFORT INNS, INC., including policies, procedures and management guidelines.

6. Any and all job descriptions for Defendant COMFORT INNS, INC.'s employees John VanHouten or any other front desk or security personnel.

7. Correspondence, memorandum, reports and notes from the Defendant CHOICE HOTELS INTERNATIONAL, INC. to any third party related to this matter.

8. COMFORTS' by-laws and articles of incorporation.

9. All documents concerning the Defendant COMFORT that pertains to security at any and all lodging places for franchises or subsidiaries under its control or ownership of COMFORT, to include reports, instructions,

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10. All documents concerning any reports of crimes, assaults, incidents and occurrences at the Defendant COMFORT INN located at 425 East Route 59, Nanuet, New York, including incidents in rooms.
11. All documents concerning any litigation in which COMFORT has been named as a party.
12. All documents that identify any and all employees or agents of COMFORT that worked on this matter or was involved and notified of this matter.
13. All documents that relate to the Plaintiff's stay at the Defendant COMFORT.
14. Any report, memorandum or document from the Defendant CHOICE. or from any to the Defendant COMFORT.

Dated: Mineola, New York
September 25, 2007

Law Offices of Eliot F. Bloom



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